

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT THOMAS NORTHUP,) CASE NO. C05-1358-JLR-MAT
Petitioner,)
v.)
SANDRA CARTER,) ORDER GRANTING
Respondent.) RESPONDENT'S MOTION FOR
) EXTENSION OF TIME TO FILE
) ANSWER
)

Respondent has filed a motion for an extension of time to file an answer to petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Dkt. 8). Having considered the motion and the balance of the record, the court does hereby find and ORDER as follows:

(1) Respondent's motion for an extension of time is the first such motion submitted by respondent. Respondent cites difficulty in obtaining the state court record as the reason for the extension. Thus, the motion is not for purposes of delay nor does it appear to prejudice petitioner in any way. Accordingly, respondent's motion for an extension of time to file an answer (Dkt. #8) is GRANTED.

(2) Respondent shall file the answer no later than **November 14, 2005**. As part of the answer, respondent shall state (a) whether petitioner has exhausted available state remedies, (b) whether there is any issue of abuse or delay under Rule 9, (c) whether an evidentiary hearing is necessary, and (d) whether the petition is timely. Respondent shall not file a dispositive motion

ORDER GRANTING RESPONDENT'S MOTION
FOR EXTENSION OF TIME TO FILE ANSWER
PAGE -1

01 in place of an Answer without first showing cause as to why an Answer is inadequate.

02 (3) The answer will be treated in accordance with Local Rule CR 7, and the page limits
03 set forth in subsection (e)(3) of that rule shall apply. **Accordingly, on the face of the answer,**
04 **respondent shall note it for consideration on the fourth Friday after filing.** Petitioner may
05 file and serve a response no later than the Monday immediately preceding the Friday designated
06 for consideration of the matter, and respondent may file and serve a reply no later than the
07 designated noting date.

08 (4) Respondent shall file the answer and a copy thereof with the Clerk of Court, and
09 serve a copy of all documents upon petitioner.

10 DATED this 22nd day of September, 2005.

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12 Mary Alice Theiler
13 United States Magistrate Judge

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